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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/677,395

10/01/2003

Sonia E. Letant

IL-11138

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04/21/2009

LLNL/Zilka-Kotab

John H. Lee, Assistant Laboratory Counsel

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EXAMINER

CROW, ROBERT THOMAS

ART UNIT

PAPER NUMBER

1634

MAIL DATE

DELIVERY MODE

04/21/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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10677395	10/1/2003	LETANT ET AL.	IL-11138

LLNL/Zilka-Kotab
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EXAMINER

Robert T.. Crow

ART UNIT	PAPER
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1634	20090417
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Commissioner for Patents

1. The Reply Brief filed 19 February 2009 (hereafter the "Reply Brief") has been entered and considered but is not found persuasive for the reason(s) listed below.
 - A. Appellant's arguments on pages 2-3 of the Reply Brief merely reiterate arguments presented in the Appeal Brief filed 22 September 2008 (hereafter the "Brief"). These arguments are considered in full in the Examiner's Answer filed 23 December 2008 (hereafter the "Examiner's Answer").
 - B. Appellant argues on page 4 of the Reply Brief that the examiner has provided no evidence that the amide bonds (i.e., peptide bonds of DNA polymerase I) are functional groups.

However, as noted in the Examiner's Answer, a review of the specification yields no limiting definition of "chemical functional groups." It is noted that page 15 of Stryer states that each of the amino acids glutamate and aspartate "contains a terminal amide group (emphasis added by the examiner)" as depicted in Figure 2-14 as the group -CONH₂ in the amide side chains. Stryer also teaches on pages 13-14 that the "[t]wenty kinds of side chains" found in the amino acids control the "remarkable range of functions mediated by proteins results from the diversity and versatility of these twenty kinds of building blocks (emphasis added by the examiner)." Thus, Stryer clearly indicates that the side chain groups are functional groups, and the claim has been given the broadest reasonable interpretation consistent with the teachings of the specification regarding a "functional group" (In re Hyatt, 211 F.3d1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000) (see MPEP 2111 [R-1])).
 - C. Appellant's arguments on pages 4-9 of the Reply Brief merely reiterate arguments presented in the Brief. These arguments are considered in full in the Examiner's Answer.
 - D. Appellant argues on pages 9-13 of the Reply Brief that the ruling for KSR Int'l Co. v. Teleflex, Inc (No 04-1350 (US 30 April 2007) does not apply to the instant claims because of the alleged unpredictability of the art, that Hoyer teaches away from the claimed invention, that Hoyer renders Branton inoperable, that there is no reasonable expectation of success, and that the immobilization taught by Hoyer does not refer to preformed rings. These arguments were previously presented in the Brief, are considered in full in the Examiner's Answer.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert T. Crow whose telephone number is (571)272-1113. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached on (571) 272-0735. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert T. Crow/
Robert T. Crow
Examiner
Art Unit 1634

/Ram R. Shukla/
Supervisory Patent Examiner, Art Unit 1634